

HOUSE No. 1263

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to school hazing.

PETITION OF:

NAME:

Brian J. Coppola

Marcos A. Devers

DISTRICT/ADDRESS:

400 Merrimack Street, Methuen, MA 01844

16th Essex

HOUSE No. 1263

By Ms. DiZoglio of Methuen (by request), a petition (accompanied by bill, House, No. 1263) of Brian J. Coppola and Marcos A. Devers relative to the penalties for hazing by secondary or post secondary students residing in residential schools designated as handicapped housing . The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to school hazing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 17. Whoever is a principal organizer or participant in the crime of hazing, as
2 defined herein, shall be punished by a fine of not more than three thousand dollars or by
3 imprisonment in a house of correction for not more than one year, or both such fine and
4 imprisonment.

5 Section 17 shall be amended by inserting the following new paragraph to appear after the
6 words “or both such fine and imprisonment, to read as follows:

7 Any student who attends either a secondary or post secondary residential school and who
8 resides in designated handicapped housing as reserves by said residential secondary or
9 residential post secondary school and who participates in the crime of hazing as defined in
10 M.G.L. Chapter 269 Section 17 shall be punished by a fine of no less than five thousand dollars
11 (\$5,000.00) or by imprisonment in state prison for no less than three (3) years, but, no more than

12 five (5) years, or both said fine and imprisonment and in addition to said fine or imprisonment or
13 both, shall be said to forfeit any scholarship funds, including, but, not limited to Massachusetts
14 State Scholarship for the remainder of their education. Section 17 shall be further amended by
15 inserting the following paragraph after the words, “for the remainder of their education the
16 following new paragraph:

17 Any student who resides in designated handicapped housing, whether or not said school
18 designated housing is located in a secondary school or a post secondary school, who participates
19 in the crime of hazing, or bullying or any other acts which inflicts harm onto any disabled
20 student otherwise entitled to live in said designated handicapped housing, by reason of disability,
21 as a reasonable accommodation shall face automatic expulsion from said residential secondary or
22 residential post secondary school and shall not be permitted to be a residential student into any
23 secondary or post secondary school within the Commonwealth of Massachusetts, whether or not
24 said secondary or post secondary school is a state residential school or a private residential
25 school. Said students who are not in need of designated handicapped housing and wish to reside
26 in said designated handicapped housing on school premises during the academic year, to which
27 they do so, must attend a disability sensitivity training by the school’s office of housing and by
28 the appropriate rehabilitation professionals so working in the disability field in a profession to
29 which a disabled student will be occupying said designated handicapped housing one (1) month
30 prior to move in to said designated handicapped housing with any disabled student, to whom the
31 housing is reserved for as a “reasonable accommodation,” (sic...) at the time of said disability
32 sensitivity training said non-disabled students so wishing to live in said designated handicapped
33 housing with said disabled student, to whom the housing is reserved for shall be handed a copy
34 of this anti-hazing law by the school’s housing office staff and also must sign said copy of such

35 and said housing staff must inform said non-disabled student so residing in designated
36 handicapped housing that:

37 1. Said student has the right to be relocated should they find that said living situation
38 is not appropriate to suit the needs of the non-disabled student.

39 2. Said housing office must make the necessary room changes or housing changes
40 for said non-disabled student within seventy-two (72) hours upon request and

41 3. Said non-disabled students can be relocated should the school have to place
42 another disabled student into said reserved handicapped housing whether or not the disability of
43 the student so being placed is temporary or permanent and

44 4. In the case that the school cannot find any space to relocate non-disabled students
45 who have the means of transportation to consider becoming day students until space is made
46 available to accommodate said non-disabled student that does not fit the criteria for the need of
47 the use of reserved campus handicapped accessible housing.

48 M.G.L Chapter 269 section 17 shall be further amended by adding the following words to
49 be included in the definition of hazing, thereof:

50 The term “hazing” as used in this section and in sections eighteen and nineteen, shall
51 mean any conduct or method of initiation into any student organization, whether on public or
52 private property, which wilfully or recklessly endangers the physical or mental health of any
53 student or other person. Such conduct shall include whipping, beating, branding, forced
54 calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or
55 other substance, or any other brutal treatment or forced physical activity which is likely to

56 adversely affect the physical health or safety of any such student or other person, or which
57 subjects such student or other person to extreme mental stress, including extended deprivation of
58 sleep or rest or extended isolation or deprivation of another student's personal privacy, in the
59 case where said designated handicapped housing in a residential secondary or post secondary
60 school, where such facility is being shared by one or more other student than the disabled student
61 so permitted to reside in said residential designated handicapped housing on the campus of the
62 aforementioned secondary or post secondary school as roommates. The same shall apply to any
63 other secondary or post secondary dorms or cottage or apartment complex so owned and
64 operated by said residential secondary or post secondary school.